

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 4, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - VAR-14122 - APPLICANT: R & S

INVESTMENT GROUP - OWNER: DECATUR III, LLC, ET AL

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 6, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-1/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-14120) and Site Development Plan Review (SDR-14114) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Variance to allow phase one of a two phase project to provide 3,300 parking spaces where 3,585 are required and to allow the completed project to provide 3,894 spaces where 4,166 are required for a proposed mixed-use development on 36.43 acres at the northwest corner of Decatur Boulevard and Tropical Parkway

A related General Plan Amendment to PCD (Planned Community Development), Site Development Plan Review (SDR-14114), and a Rezoning (ZON-14120) will be considered concurrently.

EXECUTIVE SUMMARY

Because a less intense development would allow conformance to Title 19 parking requirements, staff has no basis to recommend approval of this request.

BACKGROUND INFORMATION

A) Related Actions

- | | |
|----------|--|
| 12/08/97 | The City Council approved rezonings (Z-109-97 and Z-110-97) of this site from R-E (Residence Estates) and C-1 (Limited Commercial) to R-PD 15 (Residential Planned Development – 15 Units Per Acre) and C-1 (Limited Commercial). The Planning Commission and Planning and Development Department staff had recommended approval |
| 07/27/06 | The Planning Commission recommended approval of companion items GPA-14118, ZON-14120 and SDR-14114 concurrently with this application. |
| 07/27/06 | The Planning Commission voted 4-1/sd to recommend APPROVAL (PC Agenda Item #28/ar). |

B) Pre-Application Meeting

- | | |
|----------|---|
| 04/07/06 | Staff explained the requirements of the PD (Planned Community) zoning district. |
|----------|---|

C) Neighborhood Meetings

On June 26, 2006 a neighborhood meeting sponsored by the applicant was held at the Los Prados Country Club, 5150 Los Prados Circle to discuss the development of this site. Twelve people attended and had the following concerns:

- Traffic - this project will compound current traffic problems
- School - student safety a concern with increased traffic
- Parking Garage - lighting, noise, exhaust, obstructed views a concern for adjacent homes
- Height of buildings/parking garage - will obstruct views, be unsightly from adjacent backyards
- 24 hour use - concern for 24 hour traffic, noise, congestion, crime
- Move or underground parking garage, build 10' perimeter walls

DETAILS OF APPLICATION REQUEST

Site Area: 36.43 Acres

EXISTING LAND USE

Subject Property	Undeveloped
North	CC 215 Right of Way
South	Single-family Dwellings
East	Undeveloped - city of North Las Vegas
West	Single-family Dwellings

PLANNED LAND USE

Subject Property	M (Medium Density Residential) and SC (Service Commercial)
North	CC 215 Right of Way
South	ML (Medium-Low Density Residential)
East	city of North Las Vegas – Regional commercial
West	M (Medium Density Residential)

EXISTING ZONING

Subject Property	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial) R-PD15 (Residential Planned Development - 15 Units Per Acre) to PD (Planned Development)
North	CC 215 Right of Way
South	R-1 (Single-family Residential)
East	city of North Las Vegas – C-1 (Neighborhood Commercial) C-2 (General Commercial)
West	R-PD8 (Residential Planned Development - 8 Units Per Acre) R-PD6 (Residential Planned Development - 6 Units Per Acre)

<i>SPECIAL DISTRICTS/ZONES</i>	YES	NO
SPECIAL PLAN AREA		X
RURAL PRESERVATION NEIGHBORHOOD		X
RURAL PRESERVATION NEIGHBORHOOD BUFFER		X
PROJECT OF REGIONAL SIGNIFICANCE	X	

Staff has determined that the related proposed General Plan Amendment and its companion items would meet the definition of a Project of Regional Significance as defined in the ordinance, and has notified the applicant to prepare an impact report as required by the Ordinance for referral to the City of North Las Vegas.

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

PHASE ONE

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
100 room hotel	71,100 SF.	1 space per room	100 spaces			
Office	450,600 SF	1/300 sf	1,502 spaces			
Retail	140,030 SF	1/250 sf	560 spaces			
Restaurant – seating areas	27,370 SF	1/50 sf	548 spaces			
Restaurant – non seating areas	11,730 SF	1/200 sf	59 spaces			
144 two-bedroom units	209,790 SF	1.75 spaces per unit plus one guest space per 6 units	276 Spaces			
Health Club	108,000 SF	1/200 SF	540 Spaces			
TOTAL			3,585	46	3,300	39

PHASE TWO

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Office	26,200 SF	1/300 sf	88 spaces			
Retail	56,500 SF	1/250 sf	226 spaces			
Restaurant – seating areas	8,750 SF	1/50 sf	175 spaces			
Restaurant – non seating areas	3,750 SF	1/200 sf	19 spaces			
42 two-bedroom units	70,200 SF	1.75 spaces per unit plus one guest space per 6 units	80 Spaces			
TOTAL			588	6	594	13

COMPLETED PROJECT AT BUILD OUT

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
100 room hotel	71,100 SF.	1 space per room	100 spaces			
Office	476,800 SF	1/300 sf	1,590 spaces			
Retail	196,530 SF	1/250 sf	786 spaces			
Restaurant – seating areas	36,120 SF	1/50 sf	723 spaces			
Restaurant – non seating areas	15,480 SF	1/200 sf	78 spaces			
186 two-bedroom units	279,990 SF	1.75 spaces per unit plus one guest space per 6 units	356 Spaces			
Health Club	108,000 SF	1/200 SF	540 Spaces			
TOTAL			4,173	52	3,894	52

B) General Analysis and Discussion

The project will be deficient 285 spaces (approximately 8 %) upon completion of phase one. Phase one is also deficient seven handicap parking spaces. After completion of phase two, the completed development will be deficient 279 spaces (approximately 6.7%).

The following reductions would allow the completed project to comply with the parking requirements of Title 19:

Elimination of 83,700 square feet of office;
Elimination of 69,750 square feet of retail;
Elimination of 13,950 square feet of restaurant seating area;
Elimination of 55,800 square feet of gym.

The Clark County Development Code includes a separate parking requirement for mixed uses. In order to provide a comparison, staff has calculated the parking requirement for the proposed development and has determined that 3,643 parking spaces would be required for the completed project if it were located in the county.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to overbuild the site. A less intense development would allow conformance to Title 19 parking requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 483 by City Clerk

APPROVALS 0

PROTESTS 0